

4. Mr. Schurke announced that LRAM Lisa Hartrich was married on February 18, 2006.
5. Mr. Schurke reported that a tree fell on the Olympia office building during a February windstorm, resulting in damage to the roof. At the end of the same day, staff noticed water running down both sides of the wall shared by the hearing room and file area, and the repairmen working on the tree found that one of the heating units for the South wing of the suite had ruptured.
6. Mr. Schurke reviewed the "Red List" (cases ready for decision more than 90 days) and "Yellow List" (cases ready for decision 45 - 89 days). He noted that two of the six cases on the "Red List" are not APA cases, and so are not subject to the 90-day time limit. He also noted that several of the Red List cases are moving toward issuance. The six cases on the "Yellow List" were being actively monitored.
7. The Commission reviewed proposed changes to WAC 391-45-260, concerning settlement conferences. The proposal is based on the discussions with the Rules Focus Group, which encouraged the practice so long as the settlement conference mediator is somebody other than the assigned Examiner. There was no objection from the Commission members, and Mr. Schurke noted that the changes would be up for adoption with other rules.
8. Mr. Schurke offered two proposals to improve case reporting statistics. He noted that Governor Gregoire's "Government Management Accountability and Performance" program (GMAP) calls for state agencies to keep track of what they do, and get credit for their activities.
 - A. PERC staff members have been conducting settlement conferences for years, as an option to resolve unfair labor practice complaints, and have heretofore used the unfair labor practice case number for their settlement conference activities. Difficulties with tracking staff activities and success/failure rates will be eliminated by docketing separate "S" cases for settlement conferences.
 - B. PERC staff members have been providing Interest-Based Bargaining (IBB) Training for years. Statistics provided by Ed Heiser show that 66 cases have been closed under a "Training Done" code, and 44 cases have been docketed under an "IBB training" code. These activities have been docketed as mediation ("M") cases. Difficulties with tracking staff activities will be eliminated by docketing

"T" cases for staff assignments involving IBB or other training activities.

There was no objection from the Commission members, and Mr. Schurke said he would implement the proposal as soon as possible. Mr. Schurke noted that needed changes to the computerized case docketing system could be done immediately, and that we would not be breaking new ground in assigning separate case numbers to diverse PERC activities within an overall bargaining relationship.

9. The Commission reviewed the application of David P. Beauvais for the Dispute Resolution Panel. The paperwork was complete, one of the letters of recommendation was provided by former Commissioner Joseph W. Duffy, and there was a lengthy letter from a management official who worked opposite Mr. Beauvais. Commissioner Mooney asked how we confirm that panel applicants are qualified. Mr. Schurke indicated the agency rule sets the standard, which is the same as that for journey-level staff members, and that we take information from panel applications at face value unless we have some contrary information. Commissioner Mooney said we need to inform clientele that the applicants have met the minimum qualifications, and he also suggested we could do some quality control over time. Commissioner Bradburn agreed. Responding to a question about enforcement of standards, Mr. Schurke indicated we have never been asked to remove a panel member and have only had one "contrary information" situation (about an applicant who was still an advocate). Mr. Schurke also noted that the Rules Focus Group initially showed some interest about the panel, but that was not pursued in the later meetings. Asked for comment, Herb Harris said the PSRA contracts do not use the Dispute Resolution Panel as their source for arbitrators. Following this discussion, Commissioner Mooney moved and Commissioner Bradburn seconded to accept the application of Mr. Beauvais. The motion carried.
10. Mr. Schurke distributed copies of an article from the *Olympian* newspaper, describing that union dues obligations on state workers may spur a lawsuit.

LEGISLATIVE REPORT

Mr. Schurke and Mr. de la Rosa reported on legislation the agency has been following:

- House Bill 2333 - Parity for home care agency workers. This bill has been signed into law. It has been monitored closely to advise staff that might be called upon to mediate. A large

to advise staff that might be called upon to mediate. A large number of these workers are not paid directly by the state. The state pays an organization, which hires employees to perform home care. This bill could cause concerns that the negotiations and interest arbitration under PERC's jurisdiction is dragging along this additional group.

- House Bill 2353 - Collective bargaining for family child care providers. This legislation requires a PERC election and includes an emergency clause. Mr. Schurke sent a letter to Governor Gregoire, pointing out a technical error and competition between two unions, and also indicating language was included on the original agenda for this Commission meeting to consider adoption of an emergency rule adoption if the bill was signed on or before March 10. As of March 10, we were notified the Governor would sign this legislation on March 15. The technical flaw was not fixed on the Senate floor, and was pointed out to the Governor so that she might encourage the Senate's intention for the Code Revisor to repair an incorrect internal reference. SEIU 925 representative Kim Cook left a message for Mr. Schurke over the weekend, announcing that AFSCME will be dropping out of the competition for this unit. Copies of the proposed rule had been provided to the State Labor Relations Office and to the union's attorney, and no problems or objections had been received. Commissioner Bradburn pointed out a grammatical error on the draft that had been distributed, and suggested addition of a proviso to assure that the principles of secret balloting would be preserved. Responding to a question from Commissioner Bradburn about what can be done before the emergency rule is adopted next month, Mr. Schurke explained that the union can file its petition if the Governor signs the legislation with the emergency rule clause, and that the staff will proceed with preliminary steps such as obtaining a list of employees from the employer and checking the showing of interest. Those activities will take up most of the month until the April meeting. Responding to another question from Commissioner Bradburn, Mr. Schurke stated that the Commission could not adopt a rule until the law is actually in effect. Responding to a question from Chairperson Sayan, Mr. Schurke explained that a petition could not be processed under the existing rules, and that the emergency rule is needed to nullify several "notice" requirements that cannot be implemented for employees who work in private residences.
- House Bill 2475 - Scope of bargaining for Home Care Quality Authority bargaining unit. Although the "shared living" rule which gave rise to a case before the Commission and this legislation has been struck down by Division II of the Court

of Appeals (on the basis that the DSHS rule conflicts with federal law reserving control to the consumers), the SEIU has pushed through legislation permitting it to demand bargaining on both changed and existing DSHS policies. This creates a potential for more disputes to be processed by the Commission. The bill is before the Governor for action. We received a request for a fiscal note this morning, which is unusual.

- House Bill 2780 - Authorizing additional payroll deductions for state employees. Deductions could also be a subject for bargaining. This bill has been sent to the Governor for signature.
- House Bill 2898 - Communications between unions and state employees. This bill amends the ethics law to permit state employees and their unions to distribute communications, so long as the communications do not support or oppose a ballot proposition or candidate for federal, state, or local public office. This bill is before the Governor for signature.
- House Bill 2976 - Ratifying collective bargaining agreement between PSE and Western Washington University. This bill grants retroactivity and uses the PERC unit description. It is before the Governor for signature.
- Senate Bill 6411 - Allows 6-year collective bargaining agreements under Chapter 41.56 RCW. This bill is before the Governor. Mr. Schurke sent a letter to the Governor conveying agency concerns.
- Senate Bill 6787 - Local government passenger ferry service. This bill would allow sale of state passenger ferries to King and/or Kitsap counties, which would place them under the jurisdiction of this Commission. Employees would no longer have interest arbitration available to them under the Marine Employees' Commission.
- House Bill 3178 - Collective bargaining for state ferry employees. This legislation aligns the ferry system collective bargaining with PSRA collective bargaining. PERC will not be directly involved, but has been asked about the process for moving from mediation to interest arbitration.

Mr. Schurke noted that the Senate did not schedule a final vote for confirmation of the Commissioners before the end of the session.

COMPLIANCE DOCKET

Western Washington University, Case 18733-U-04-4760. Compliance Officer Mark S. Downing reported that the employer provided a large number of documents one week after the last Commission meeting, and

that Mr. Nordlof has notified Mr. Downing the union is now satisfied with the documentation. The Commission unanimously accepted compliance, and the case will now be closed.

COURT DOCKET

State - Ecology, Cases 19318-E-05-3046 and 19796-U-05-5016. The administrative record was filed February 10, 2006, in Thurston County Superior Court. Mr. Schurke, Mr. Downing, and Mr. de la Rosa will meet with Assistant Attorney General Spencer Daniels on Thursday, March 16, regarding this matter.

City of Edmonds, Case 17479-U-03-4531. The administrative record was filed March 10, 2006, in Thurston County Superior Court.

COMMISSION DOCKET

This Commission docket was reviewed in detail, and the status of each case was discussed.

OTHER BUSINESS

Herb Harris asked if the Annual Report discussed at the February meeting would be available at the LERA Conference. Mr. Schurke indicated the report would not be available at the conference, but would be available from the Olympia office.

Mr. Schurke noted that the Interest-Based Bargaining pamphlet and the Practitioner Guide discussed at the February meeting of the Commission would be available at the conference.

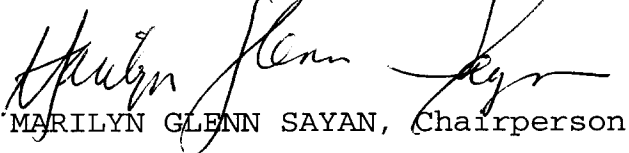
Mr. Schurke inquired about whether any or all of the Commission members were planning to attend the Association of Labor Relations Agencies conference, to be held in Baltimore, Maryland, from July 22 - 26, 2006. Chairperson Sayan (who is a member of the ALRA Executive Board) and Commissioner Bradburn confirmed their interest in attending. Commissioner Mooney said he would check his schedule. Chairperson Sayan announced she has been approached about running for President of ALRA for the next term.

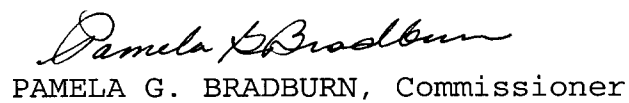
Mr. Schurke reported that he was planning to attend the ALRA conference. He added that he had asked Operations Manager Kenneth Latsch and Field Services Manager Karl Nagel to reserve time on their schedules to attend the conference, based on preliminary indications that they might be speakers on the program.

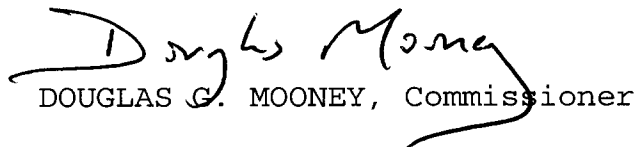
ADJOURNMENT

There being nothing further to come before the Commission, the meeting was then adjourned.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


DOUGLAS G. MOONEY, Commissioner

ATTEST:


MARVIN L. SCHURKE, Executive Director